

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : DISABILITY DISCRIMINATION
Procedure

DATE ISSUED: : May 20, 1992

SECTION: : D

REFERENCE: : Americans With Disabilities Act of 1990; The Rehabilitation Act of 1973; California Fair Employment and Housing Act.

SECTION 1: PURPOSE

The purpose of this procedure is to identify the means by which the City of Lodi implements the provisions of the Americans With Disabilities Act of 1990, and to establish a procedure for investigating and resolving disability discrimination complaints.

SECTION 2: ADA COMPLIANCE COMMITTEE

The ADA Compliance Committee has been established by the City of Lodi, with the purpose of evaluating and making recommendations regarding the City's ability to provide services in accordance with the Americans With Disabilities Act of 1990. The committee is composed of one chairperson, appointed by the City Manager, who shall be regarded as the Chief Compliance Officer, and committee members representing various City departments. The committee members and/or other personnel may be designated, as deemed necessary by the chairperson, as Compliance Officers to assist in efforts to comply with federal and state laws concerning discrimination on the basis of disability.

SECTION 3: COMPLAINT RESOLUTION

The following procedure is intended to address the complaints of alleged discrimination on the basis of disability by the public and City employees, and is not intended to circumvent the established grievance procedures according to the appropriate memorandum of understanding.

A. Informal Procedure: In order to assure that further incidents do not occur, a citizen, job applicant, or employee who believes he/she has been subjected to discrimination on the basis of disability, should promptly inform the person(s) alleged to have committed discrimination that such conduct is prohibited. If a complaint cannot be resolved, the complainant should promptly refer the matter to the appropriate immediate supervisor, department head, and/or the Chief Compliance Officer (or designee), who will be responsible to investigate and resolve the alleged incident(s) of discrimination.

B. Formal Procedure: A citizen, job applicant, or employee who believes he or she has been discriminated against on the basis of disability may submit a written and signed statement on the appropriate complaint form (available in the Personnel Department) as soon as possible

after the incident to the Chief Compliance Officer. The complainant is encouraged to submit the complaint within thirty (30) calendar days, but no later than 180 days, of the alleged incident(s). Where reasonable circumstances prevent the filing of the complaint within this time period, complaints received after this time period may be accepted. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for the visually-impaired or those with motor impairments. Submission of the complaint should be addressed to: ADA Chief Compliance Officer, c/o Office of the City Manager, 221 West Pine Street, P.O. Box 3006, Lodi, California 95240-1910.

(1) The complaint shall include: a description of the offending behavior(s) or violations; date(s), time(s) and locations(s) or incident(s); name(s) of alleged offender(s); name(s) of witnesses, if any; and remedy desired.

(2) Upon the receipt of a complaint, the Chief Compliance Officer (and/or designee(s)) shall investigate all charges. The investigation shall include interviews with: (a) the complainant; (b) the person(s) allegedly engaged in discrimination; and (c) any other person the Compliance Officer believes to have relevant knowledge concerning the complaint.

(3) The Compliance Officer shall, within thirty (30) work days of receipt of the complaint, notify the complainant regarding the status of the investigation.

(4) Upon completion of the investigation, the Compliance Officer shall review factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, giving consideration to all factual information, the totality of the circumstances, including the nature of the alleged discriminatory conduct and the context in which the alleged incidents occurred.

(5) The Compliance Officer shall then prepare a written report setting forth the results of the investigation and the determination as to whether discrimination occurred. Such report with recommendation(s) shall be submitted to the City Manager for appropriate action. Such action shall include proper notification of the complainant.